THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 1374 of 1996

Dated 05-08-2005.

Between:

1 Pala Veera Raghavulu S/o. Venkanna
Nallakulavari Palem Peravali Md
W.G.Dist
2 Pala Krishna Murthy S/o. Venkanna
Nallakulavari Palem Peravali Md
W.G.Dist
3 Pala Satyanarayana S/o. Venkanna
Nallakulavari Palem Peravali Md
W.G.Dist
4 Pala Sambamurthy S/o. Venkanna
Nallakulavari Palem Peravali Md
W.G.Dist

..... PETITIONERS

AND

1 The District Collector
West Godavari Dist at Eluru
2 The Land Acquisition Officer and Revenue Divisional Officer,
Kovvur W.G.Dist
3 The Mandal Revenue Officer,
Peravali Mandal W.G.Dist
4 The Executive Officer Muktheswara Swamy Devasthanam
Kothapalli, Peravali Mandal W.G.Dist

.....RESPONDENTS

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION No.1374 of 1996

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ORDER:

This petitioner is filed questioning the proposed acquisition of the lands belonging to the Muktheswarswamy Devasthanam, in possession of the petitioners, as tenants, under the Land Acquisition Act (the Act) for providing house sites to the weaker sections of the society.

The contention of the petitioners is that since they belong to weaker sections of society and since they have been cultivating the lands of the Devastanam from several years, even from the time of their father and since other lands useful as house sites are available in the village, the lands in their possession need not be acquired.

The counter affidavit filed on behalf of the respondents, shows that enquiry under Section 5 A of the Act was dispensed with.

Since the Apex Court in **Union of India v. Mukesh Hans & Union of India v. Krishan Lal Arneja** held that dispensation of enquiry under Section 5 A of the Act is a valuable right and so such enquiry cannot be dispensed with in a routine manner and since no reasons for dispensing with the enquiry under Section 5 A of the Act are forthcoming, this petition is disposed of with a direction to hold an enquiry under Section 5 A of the Act and proceed further as per the provisions of the Act.

Accordingly, the writ petition is disposed of. No costs.

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05th August, 2005.

mrb